

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Application No.:	10/542,767	First Named Inventor:	Kiyotaka MORIZUMI et al.
Filing Date:	July 20, 2005	Attorney Docket No.:	124642
Title of the Invention:	COLLISION PREDICTING APPARATUS AND COLLISION PREDICTING METHOD		

THIS REQUEST FOR PARTICIPATION IN THE PPH PILOT PROGRAM MUST BE FAXED TO:
THE OFFICE OF THE COMMISSIONER FOR PATENTS AT 571-273-0125 DIRECTED TO THE ATTENTION OF MAGDALEN GREENLIEF

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s).

The JPO application number(s) is/are: 2003-019108

The filing date of the JPO application(s) is/are: January 28, 2003

I. List of Required Documents:

- a. A copy of all JPO office actions (excluding "Decision to Grant a Patent") in the above-identified JPO application(s).

☒ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

- b. A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).

☒ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

- c. English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached.

Information disclosure statement listing the documents cited in the JPO office actions is attached.

Copies of all documents are attached except for U.S. patents or U.S. patent application publications.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. FAX COMPLETED FORMS TO: Office of the Commissioner for Patents at 571-273-0125, Attention: Magdalen Greenlief.

PTO/SB/20 (01-07)

Approved for use through 12/31/2008. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO**

Application No.:	10/542,767	First Named Inventor:	Kiyotaka MORIIZUMI et al.
------------------	------------	-----------------------	---------------------------

II. Claims Correspondence Table:

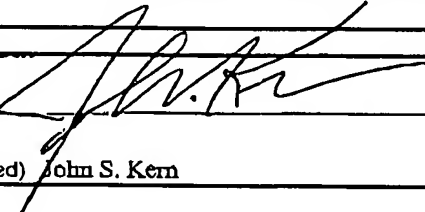
Claims in US Application	Patentable Claims in JP Application	Explanation regarding the correspondence
11,21 and 31	1	U.S. claims 11, 21 and 31 correspond substantially to patentable JP claim 1, except that U.S. claim 11 does not recite "means", and U.S. claim 21 is a method claim.
12 and 22	2	U.S. claims 12 and 22 correspond substantially to patentable JP claim 2.
14 and 24	3	U.S. claims 14 and 24 correspond substantially to patentable JP claim 3, with the exception that the U.S. claims contain no multiple dependencies.
17-19	4-6	U.S. claims 17-19 correspond substantially to patentable JP claims 4-6, respectively, with the exception that the U.S. claims contain no multiple dependencies.
27-29	4-6	U.S. claims 27-29 correspond substantially to patentable JP claims 4-6, respectively, with the exception that the U.S. claims contain no multiple dependencies.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

IV. Payment of Fees:

The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) to ☒ Deposit Account No. 15-0461.

☐ Credit Card. Credit Card Payment Form (PTO-2038) is attached.

Signature 	Date December 10, 2007
Name (Print/Typed) John S. Kern	Registration Number 42,719

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I. List of Required Documents

b. A copy of all claims which were determined to be patentable by the JPO in the JPO application

- All claims which were determined to be patentable by the JPO (Japanese)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In rePATENT APPLICATION of

Inventor: Kiyotaka MORIIZUMI et al.

Application No.: 10/542, 767

Title: COLLISION PREDICTING APPARATUS AND COLLISION PREDICTING METHOD

VERIFIED TRANSLATION OF CLAIMS OF JAPANESE PATENT APPLICATION

The undersigned, of the below address, hereby certifies that she well knows both the English and Japanese languages, and that the attached is an accurate translation of claims 1 to 6 in Japanese Patent No. 3849650.

Signed this 27th day of November, 2007

Signature: Sanae Nakagawa

Name: Sanae Nakagawa

Address: c/o TOYOTA TECHNICAL
DEVELOPMENT CORP., 1-21, Imae,
Hanamoto-cho, Toyota, Aichi, 470-0334 Japan

Japanese Patent No.3849650
(Japanese Patent Application No.2003-019108)

[Claim 1]

A vehicle that includes a plurality of different occupant protection devices, characterized by comprising:

subject target detection means for detecting a plurality of subject targets that exist in a course of an own vehicle and that have a possibility of colliding with the own vehicle;

relative quantity detection means for detecting a relative quantity between the own vehicle and each of the subject targets detected by the subject target detection means;

collision time calculation means for predicting and calculating a collision time of each of the subject targets until a collision with the own vehicle, by using the relative quantity between the own vehicle and each of the subject targets detected by the relative quantity detection means;

collision subject target selection means for selecting a collision subject target having a high possibility of colliding with the own vehicle based on at least the collision time of each of the subject targets calculated by the collision time calculation means;

occupant protection device selection means for selecting an occupant protection device to be actuated among the plurality of occupant protection devices, based on the collision time of the collision subject target selected by the collision subject target selection means, using a state flag setting map that stores in advance state flags that indicate actuation of the occupant protection devices in correspondence with the collision time of the collision subject target until the collision with the own vehicle, and for setting the state flag for the selected occupant protection device; and

control means for controlling actuation of the selected occupant protection device, based on the set state flag.

[Claim 2]

The vehicle according to claim 1, wherein the collision subject target selection means selects, as the collision subject target, a subject target that has a shortest collision time among the

Japanese Patent No.3849650
(Japanese Patent Application No.2003-019108)

collision times of the plurality of subject targets calculated by the collision time calculation means.

[Claim 3]

The vehicle according to claim 1 or 2, wherein the collision subject target selection means selects the collision subject target based on the collision time, and information that indicates whether the subject target detection means continues to detect the subject targets.

[Claim 4]

The vehicle according to any one of claims 1 to 3, characterized by further comprising collision time correction means for correcting the collision time predicted and calculated by the collision time calculation means, using a predetermined relative quantity among the relative quantities detected by the relative quantity detection means.

[Claim 5]

The vehicle according to claim 4, wherein the collision time correction means corrects the collision time by setting the collision time at a predetermined maximum value if it is determined that the predetermined relative quantity used is greater than a pre-set value.

[Claim 6]

The vehicle according to claim 4 or 5, wherein the predetermined relative quantity used by the collision time correction means is a quantity of offset of the subject target from a center line of the own vehicle which extends in a direction that coincides with a traveling direction of the own vehicle.

JP 3849650 B2 2006.11.22

(19) 日本国特許庁 (JP)

(12) 特 許 公 報 (B2)

(11) 特許番号

特許第3849650号

(P3849650)

(45) 発行日 平成18年11月22日 (2006.11.22)

(24) 登録日 平成18年9月8日 (2006.9.8)

(51) Int. Cl.

F I

B6OR 21/01 (2006.01)
 B6OR 21/00 (2006.01)
 B6OR 21/05 (2006.01)
 B6OR 21/16 (2006.01)
 B6OR 22/48 (2006.01)

B6OR 21/01
 B6OR 21/00 624B
 B6OR 21/00 627
 B6OR 21/05 F
 B6OR 21/32

請求項の数 6 (全 13 頁) 最終頁に続く

(21) 出願番号 特願2003-19108 (P2003-19108)
 (22) 出願日 平成15年1月28日 (2003.1.28)
 (65) 公開番号 特開2004-230947 (P2004-230947A)
 (43) 公開日 平成16年8月19日 (2004.8.19)
 審査請求日 平成15年9月17日 (2003.9.17)

前置審査

(73) 特許権者 000003207
 トヨタ自動車株式会社
 愛知県豊田市トヨタ町1番地
 (74) 代理人 110000213
 特許業務法人プロスペック特許事務所
 (72) 発明者 森泉 清貴
 愛知県豊田市トヨタ町1番地 トヨタ自動
 車株式会社内
 (72) 発明者 村橋 泰彦
 愛知県豊田市豊栄町二丁目88番地 株式
 会社トヨタテクノサービス内

審査官 西本 浩司

(54) 【発明の名称】 車両

最終頁に続く

(57) 【特許請求の範囲】

【請求項1】

複数の異なる乗員保護装置を備えた車両において、
 自車両の進路上に存在して同自車両と衝突する可能性のある複数の対象物標を検出する
 対象物標検出手段と、
 前記対象物標検出手段によって検出された複数の対象物標と前記自車両との間のそれぞ
 れの相対量を検出する相対量検出手段と、
 前記相対量検出手段によって検出された複数の対象物標と自車両との間のそれぞれの相
 対量を利用して、前記複数の対象物標と前記自車両とが衝突するまでのそれぞれの衝突時
 間を予測して算出する衝突時間算出手段と、
 前記衝突時間算出手段によって算出されたそれぞれの衝突時間に少なくとも基づいて、
 前記自車両と衝突する可能性の高い衝突対象物標を選択する衝突対象物標選択手段と、
 自車両と衝突対象物標との衝突時間に対応させて前記乗員保護装置の作動を表す状態フ
 ラグを予め記憶した状態フラグ設定マップを用い、前記衝突対象物標選択手段によって選
 択された衝突対象物標の衝突時間に基づいて、前記複数の乗員保護装置のうちで作動させ
 る乗員保護装置を選択して同選択した乗員保護装置の状態フラグを設定する乗員保護装置
 選択手段と、
 前記設定された状態フラグに基づいて前記選択された乗員保護装置の作動を制御する制
 御手段とを備えたことを特徴とする車両。

【請求項2】

10

20

(2)

JP 3849650 B2 2006.11.22

前記衝突対象物標選択手段は、
前記衝突時間算出手段により複数の対象物標について算出されたそれぞれの衝突時間のうち、衝突時間が最小の対象物標を衝突対象物標として選択する前記請求項1に記載した車両。

【請求項3】

前記衝突対象物標選択手段は、
前記衝突時間とともに前記対象物標検出手段が対象物標を継続して検出しているか否かを表す情報に基づいて、衝突対象物標を選択する前記請求項1または前記請求項2に記載した車両。

【請求項4】

前記請求項1ないし前記請求項3のいずれか一つに記載した車両において、
前記相対量検出手段によって検出した相対量のうちの所定の相対量を利用して、前記衝突時間算出手段により予測して算出された衝突時間を補正する衝突時間補正手段を備えたことを特徴とする車両。

【請求項5】

前記衝突時間補正手段は、
前記利用する所定の相対量が予め設定された所定量を超えていると判定すると、前記衝突時間を所定の最大値に設定して補正する前記請求項4に記載した車両。

【請求項6】

前記衝突時間補正手段が利用する所定の相対量は、
前記自車両の進行方向に一致する方向に延出する自車両の中心線に対する前記対象物標のオフセット量である前記請求項4または前記請求項5に記載した車両。

【発明の詳細な説明】

【0001】

【発明の属する技術分野】

本発明は、自車両と衝突物標との衝突を予測して乗員保護装置を作動させる車両に関する。

【0002】

【従来の技術】

従来から、例えば、特許文献1に示すように、衝突予知システムは知られている。この従来の衝突予知システムにおいては、超音波を送信し、自車両の周囲に存在する特定の障害物（対象物標）によるドップラー波を受信するのに要する時間から障害物（対象物標）との相対速度を精度よく算出するようになっている。そして、この従来の衝突予知システムは、相対速度の算出に際して、相対速度算出の基礎となるデータを一旦平均化することにより、有効なデータを選択する。続いて、選択した有効なデータをさらに平均化し、この平均化によって得られた平均値データを採用することにより、精度の高い相対速度を算出する。これにより、従来の衝突予知システムは、この精度の高い相対速度に基づいて、特定の障害物（対象物標）との衝突を予知（予測）するようになっている。

【0003】

【特許文献1】

特開平8-254576号公報

【0004】

【発明が解決しようとする課題】

上記従来の衝突予知システムにおいては、検出された特定の障害物（対象物標）について、自車両との衝突を予知（予測）する。このため、例えば、自車両と衝突する可能性のある障害物（対象物標）が複数存在しており、これらの障害物（対象物標）が瞬時に入れ替わる場合には、精度よく衝突を予測できない場合がある。このように、自車両と衝突する可能性のある衝突物標は、一般的に複数存在する場合が多く、これらの衝突物標のうち自車両と衝突する可能性の高い衝突物標を逐次精度よく選択し、選択した衝突物標との衝突を精度よく予測することが望まれている。

I. List of Required Documents

a. A copy of all JPO office actions (including "decision to Grant a Patent") in the JPO application.

- December 12, 2005 Notification of Reasons for Refusal (Japanese)
- May 2, 2006 Notification of Reasons for Refusal (Japanese)
- August 3, 2006 Decision to Grant a Patent (Japanese)

CERTIFICATION

I, Sanae Nakagawa, of TOYOTA TECHNICAL DEVELOPMENT CORP., 1-21, Imae, Hanamoto-cho, Toyota, Aichi, 470-0334 Japan, hereby certify that I am the translator of the accompanying copy of the official communications received from the Japan Patent Office in the patent application identified below, and certify that the following is a true and correct translation to the best of my knowledge and belief.

Application NumberJapanese Patent Application
No. 2003-19108Date of Filing

January 28, 2003

Sanae Nakagawa
Sanae Nakagawa

Dated this 27th day of November, 2007

I. List of Required Documents

c. English translations of the documents in a. and b. along with a statement that the English translations are accurate.

- December 12, 2005 Notification of Reasons for Refusal (English)
- May 2, 2006 Notification of Reasons for Refusal (English)
- August 3, 2006 Decision to Grant a Patent
- Statement that the English Translations of the Office Actions are accurate

- All claims which were determined to be patentable by the JPO (English)
- Statement that the English Translation of the claims is accurate

Notification of Reasons for Refusal

Patent Application Number: Patent Application No. 2003-019108

Drafting date: December 12, 2005

Examiner of Patent Office: Koji Nishimoto 9338 3Q00

Representative for Patent Applicant: Sakio Oba (and another)

Applied Text of Patent Law: Section 29 (2)

The subject application is rejected for the reason described below. If you have an opinion about this rejection, please submit a remark within 60 days from the date at which this notification was sent.

REASON

The following claims of the present invention are rejected under the Japanese Patent Law Article 29, Paragraph 2, since the present invention can be easily made by persons having a common knowledge in a field of art pertinent to the present invention before filing application of the present invention, based on invention disclosed in the following publications distributed in Japan or in a foreign country, or invention made available to the public through an electrical communication line before filing the application of the present invention.

DETAILED ACTION (For more information on cited references, refer to a cited reference list)

* Claims 1 and 2

* Cited reference 1

* Note

It is considered that the cited reference 1 discloses a collision predicting apparatus that is similar to the present invention (refer to claims 1 to 6, FIG. 1 and FIG. 12, and the like).

* Claim 3

* Cited references 1, 2

* Note

A technology in which a collision subject target is selected based on "predetermined information" is disclosed in [0040] and the like in the cited reference 2.

It is unclear what information the "predetermined information" described in claim 3 of the

present invention signifies.

- * Claims 4 to 6
- * Cited reference 3
- * Note

It is considered that the cited reference 3 discloses a collision predicting apparatus that includes "correction means" using "a predetermined relative quantity", like the present invention (refer to claim 3, [0028] to [0029], [0034], and the like).

The "correction means" is a known technology (for example, refer to [FIG. 7], [FIG. 14] (particularly with regard to claim 6) in Japanese Patent Application Publication No. JP-A-2002-225656), and claims 6 to 9 and the like in Japanese Patent Application Publication No. JP-A-2001-191815.

List of Cited References

1. Japanese Patent Application Publication No. JP-A-2001-126194
2. Japanese Patent Application Publication No. JP-A-7-318652
3. Japanese Patent Application Publication No. JP-A-2000-132799

Result of prior-art search

Field searched:

IPC 7 B60R 21/00

Prior Art:

Japanese Patent Application Publication No. JP-A-10-211886

Japanese Patent Application Publication No. JP-A-2001-055105

The result of prior-art search does not constitute the reason for rejection

If you have any question about this notification of reasons for refusal, please contact the following:

Patent Office Second Patent Examination Department Vehicle Control Koji Nishimoto
(03-3581-1101, Extension 3380)

Director/Deputy	Chief Examiner/Deputy	Examiner	Assistant Examiner		
	Mineo Komine	Koji Nishimoto			
	8511	9338			

P. 1

拒絶理由通知書

特許出願の番号	特願2003-019108
起案日	平成17年12月12日
特許庁審査官	西本 浩司 9338 3000
特許出願人代理人	大庭 咲夫（外 1名） 様
適用条文	第29条第2項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

- ・請求項 1, 2
- ・引用文献等 1
- ・備考

引例1には、本願発明と同様の衝突予測装置が開示されているものと認める（【請求項1】～【請求項6】、【図1】、【図12】等参照されたい。）。

- ・請求項 3
- ・引用文献等 1, 2
- ・備考

引例2の【0040】等には、「所定の情報」に基づいて、衝突対象物標を選択する技術が開示されている。

なお、本願の請求項3に記載された「・・・所定の情報」なる記載は、如何なる情報を表しているのか明瞭でない。

- ・請求項 4乃至6
- ・引用文献等 3
- ・備考

P. 2

引例3には、本願発明と同様、「所定の相対量」を利用した「補正手段」を備えた衝突予測装置が開示されているものと認める（【請求項3】、【0028】～【0029】、【0034】等参照されたい。）。

なお、該「補正手段」については、従来周知の技術（例えば、特開2002-

225656号公報の【図7】、【図14】（特に、請求項6に対して）、特開2001-191815号公報の【請求項6】～【請求項9】等参照されたい。）にすぎない。

引用文献等一覧

1. 特開2001-126194号公報
2. 特開平07-318652号公報
3. 特開2000-132799号公報

先行技術文献調査結果の記録

- ・調査した分野 I P C第7版
 B 6 0 R 2 1 / 0 0
- ・先行技術文献
 特開平10-211886号公報
 特開2001-055105号公報

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

この拒絶理由について問い合わせがある時は、特許審査第二部 車両制御 西本浩司(03-3581-1101内線3380)まで御連絡下さい。

部長／代理	審査長／代理	審査官	審査官補
.....	小関 峰夫	西本 浩司	
.....	8 5 1 1	9 3 3 8	

DECISION OF REFUSAL

Patent Application Number: Patent Application No. 2003-019108

Drafting date: May 2, 2006

Examiner of Patent Office: Koji Nishimoto 9338 3Q00

Title of Invention: Vehicle

Patent Applicant: TOYOTA JIDOSHA KABUSHIKI KAISHA

Representative for Patent Applicant: Sakio Oba (and another)

This application is rejected for the reason described in the Notification concerning Refusal Reason of December 12, 2005.

Although the written opinion and the amendment of proceedings have been examined, sufficient basis for overcoming the refusal has not been found.

Note

(Re: Claims 1 to 6)

The applicant describes "an occupant protection device selection means for selecting an occupant protection device that is to be operated among the plurality of occupant protection devices based on the collision time of the collision subject target selected by the collision subject target selection means, and a control means for controlling operation of the selected occupant protection device" in the amendment of proceedings. Also, the applicant asserts "according to the characteristic of the present invention defined in claim 1 that is amended, the occupant protection device that is to be operated is selected based on the predicted collision time, and the selected occupant protection device is operated, as described above. The present invention defined in claim 1 that is amended is greatly different from the invention described in the cited reference 1 in this point" in the written opinion. Thus, the applicant asserts that the present invention cannot be easily made based on the cited references 1 and 2, and known technologies.

Although the above point is examined, a vehicle control apparatus that includes "an occupant protection device selection means for selecting an occupant protection device that is to be operated among the plurality of occupant protection devices based on the collision time of the collision subject target selected by the collision subject target selection means, and a control means for controlling operation of the selected occupant protection device" is simply a conventional known technology (for example, refer to [0064] to [0066] in Japanese Patent Application Publication No. JP-A-2002-308031, [0049] to [0071] in Japanese Patent Application Publication No. JP-A-08-248128, and the like).

Accordingly, the above assertion cannot be accepted.

If you disagree with this decision of refusal, you can appeal against the Examiner's decision of refusal within 30 days (in the case of residents abroad, within 90 days) from the date at which a copy of this decision of refusal is sent (Patent Law Section 121(1)).

(Teaching based on Administrative Case Litigation Law Section 46 (2))

With regard to this decision of refusal, you can file an action for cancellation against only the decision on the appeal against this Examiner's decision of refusal (Patent Law Section 178 (i)).

Director/Deputy	Chief Examiner/Deputy	Examiner	Assistant Examiner		
	Mineo Kumine	Koji Nishimoto			
	8511	9338			

P.1

拒絶査定

特許出願の番号	特願2003-019108
起案日	平成18年 5月 2日
特許庁審査官	西本 浩司 9338 3Q00
発明の名称	車両
特許出願人	トヨタ自動車株式会社
代理人	大庭 咲夫(外 1名)

この出願については、平成17年12月12日付け拒絶理由通知書に記載した理由によって、拒絶をすべきものである。

なお、意見書及び手続補正書の内容を検討したが、拒絶理由を覆すに足りる根拠が見いだせない。

備考

(請求項1乃至6に対して)

出願人は手続補正書において「前記衝突対象物標選択手段によって選択された衝突対象物標の衝突時間に基づいて、前記複数の乗員保護装置のうちで作動させる乗員保護装置を選択する乗員保護装置選択手段と、前記選択された乗員保護装置の作動を制御する制御手段」なる補正を行うと共に、意見書において「本願補正後の請求項1に係る発明の特徴によれば、前述したように、予測した衝突時間に基づいて作動させる乗員保護装置を選択し、同選択した乗員保護装置を作動させる。この点で、本願補正後の請求項1に係る発明と引用文献1に記載された発明とは大きく異なる。」の旨主張し、本願発明は引例1、2及び周知技術に基づいて、当業者が容易に発明することができたものではない旨主張している。

しかしながら、上記の点について検討すると、「衝突対象物標選択手段によって選択された衝突対象物標の衝突時間に基づいて、前記複数の乗員保護装置のうちで作動させる乗員保護装置を選択する乗員保護装置選択手段と、前記選択された乗員保護装置の作動を制御する制御手段」を有する車両制御装置は従来周知の技術(例えば、特開2002-308031号公報の【0064】～【0066】、特開平08-248128号公報の【0049】～【0071】等参照されたい。)にすぎない。

従って、上記主張は採用できない。

この査定に不服があるときは、この査定の謄本の送達があった日から30日以内(在外者にあつては、90日以内)に、特許庁長官に対して、審判を請求する

P.2

ことができます(特許法第121条第1項)。

(行政事件訴訟法第46条第2項に基づく教示)

この査定に対しては、この査定についての審判請求に対する審決に対してのみ取消訴訟を提起することができます(特許法第178条第6項)。

部長／代理	審査長／代理	審査官	審査官補
小関 峰夫	西本 浩司		
8511	9338		

DECISION TO GRANT A PATENT

Patent Application Number: Patent Application No. 2003-019108
Drafting Date: August 3, 2006
Examiner at Patent Office: Koji Nishimoto 9338 3Q00
Title of Invention: Vehicle
Number of Claims: 6
Patent Applicant: TOYOTA JIDOSHA KABUSHIKI KAISHA
Representative for Patent Applicant: PROSPEC Patent Firm

[Reconsideration by examiner before appeal]

The original decision is cancelled.

With regard to this application, no reason for rejection can be found, and hence, this application is allowed.

Director/Deputy	Chief Examiner/Deputy	Examiner	Assistant Examiner	Classification Determiner
	Minoru Terii	Koji Nishimoto		Yujiro Seki
	8513	9338		2994

1. Application Type: Normal
2. Reference Document(s): Cited
3. Section 30 of Patent Law: Not applied
4. Change in Title of Invention: No change
5. International Patent Classification (IPC):

B60R 21/01	
B60R 21/00	624B.
B60R 21/00	627 .
B60R 21/05	F,
B60R 21/32	,
B60R 22/48	Z,
B62D 1/19	,
G01S 13/93	Z,
G08G 1/16	C
6. Deposition of Fungi
7. Indication to the effect that retroactive effects in respect of the filing date are not permitted

DECISION TO GRANT A PATENT (NOTES)

Patent Application Number: Patent Application No. 2003-019108

1. Search Fields (IPC, and Name of DB)
 - D60R 21/00 - 21/34
 - D60R 22/00 - 22/48
 - B62D 1/00 - 1/28
 - G01S 13/93
 - G08G 1/16
2. Referenced Patent Documents
 - Japanese Patent Application Publication No. 2001-126194 (JP, A)
 - Japanese Patent Application Publication No. 07-318652 (JP, A)
 - Japanese Patent Application Publication No. 2000-132799 (JP, A)
 - Japanese Patent Application Publication No. 2002-225656 (JP, A)
 - Japanese Patent Application Publication No. 2001-191815 (JP, A)
 - Japanese Patent Application Publication No. 2000-108721 (JP, A)
3. Referenced Books and Journals

P. 1

特許査定

特許出願の番号	特願 2003-019108
起案日	平成 18 年 8 月 3 日
特許庁審査官	西本 浩司 9338 3000
発明の名称	車両
請求項の数	6
特許出願人	トヨタ自動車株式会社
代理人	特許業務法人プロスペック特許事務所

[前置審査]

原査定を取消す。

この出願については、拒絶の理由を発見しないから、特許査定する。

部長／代理	審査長／代理	審査官	審査官補	分類確定官
	鳥居 稔	西本 浩司		関 裕治朗
	8 5 1 3	9 3 3 8		2 9 2 4

P. 2

- | | |
|----------------|----|
| 1. 出願種別 | 通常 |
| 2. 参考文献 | 有 |
| 3. 特許法第 30 条適用 | 無 |
| 4. 発明の名称の変更 | 無 |

5. 国際特許分類 (IPC)

B60R	21/01	
B60R	21/00	624B,
B60R	21/00	627
B60R	21/05	F,
B60R	21/32	
B60R	22/48	Z,
B62D	1/19	
G01S	13/93	Z,
G08G	1/16	C

6. 菌寄託

7. 出願日の遡及を認めない旨の表示

特許査定 (特許査定メモ)

P. 3

特許出願の番号

特願2003-019108

1. 調査した分野 (IPC, DB名)

B60R	21/00	-	21/34
B60R	22/00	-	22/48
B62D	1/00	-	1/28

G01S 13/93
G08G 1/16

2. 参考特許文献

特開2001-126194	
特開平07-318652	(JP, A)
特開2000-132799	(JP, A)
特開2002-225656	(JP, A)
特開2001-191815	(JP, A)
特開2000-108721	(JP, A)
	(JP, A)

3. 参考図書雑誌

OLIFF & BERRIDGE, PLC

ATTORNEYS AT LAW

277 SOUTH WASHINGTON STREET
ALEXANDRIA VIRGINIA 22314

TELEPHONE: (703) 836-6400

FACSIMILE: (703) 836-2787

E-MAIL: EMAIL@OLIFF.COM

WWW.OLIFF.COM

December 11, 2007

FACSIMILE TRANSMISSION COVER SHEETTo: Mrs. Magdalen Greenlief
Office of the Commissioner for Patents

Fax: (571) 273-0125

From: James A. Oliff

Your Ref.: 10/542,767

Our Ref.: 124642

Number of Pages Sent (Including cover sheet):

84

Prepared By: dxc

Comments:

Sent By:



This facsimile is intended only for the use of the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are notified that any review, dissemination, distribution or copying of this facsimile is prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or telephone, and return the facsimile to us by mail at the above address.

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the JPO office actions.

- Information Disclosure Statement disclosing JP 2000-108721, cited in the August 3, 2006 Decision to Grant a Patent. All other references have been submitted in prior Information Disclosure Statements